UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MARIA ALEJANDRA CELIMEN SAVINO and JULIO CESAR MEDEIROS NEVES,)))
Petitioners-Plaintiffs,)))
v.)
STEVEN SOUZA,))
Respondent-Defendant.)))

DEFENDANT'S ASSENTED-TO MOTION FOR LEAVE TO TRANSFER OUT OF BRISTOL

Respondent-Defendant hereby moves for leave to transfer **MARCO BATTISTOTTI** out of the Bristol County House of Corrections to the Plymouth County House of Corrections during the week of September 8, 2020. He has been tested for COVID-19 using an FDA-approved RT-PCR test received negative results.¹ Mr. Battistotti has requested the transfer and his counsel assents to this motion.

Although the transfer is not for removal purposes, both Defendant and Plaintiffs agree that it is advisable and in their respective interests. Therefore, it is urged that the Court approve the transfer. With this transfer, the number of immigration detainees remaining at Bristol County

¹ FDA has approved a number of vendors' tests on an interim basis pursuant to what it calls an Emergency Use Authorization or "EUA." Upon information and belief, this is a fast-track review process that does not lead to a complete approval, but instead a temporary emergency approval in light of the pandemic. *See, e.g.*, https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/emergency-use-authorization (accessed 5/28/20). Defendants understand the Court's order to include EUA-approved tests as acceptable.

House of Corrections will be 37.

Respectfully submitted,

ANDREW E. LELLING, United States Attorney

By: /s/ Thomas E. Kanwit

Thomas E. Kanwit Michael Sady

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September 8 2020

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CERTIFICATE OF SERVICE/CONSULTATION

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF). I further certify that I have consulted with opposing counsel in an effort to resolve the issue presented herein.

/s/ Thomas E. Kanwit
Thomas E. Kanwit

Dated: September 8, 2020